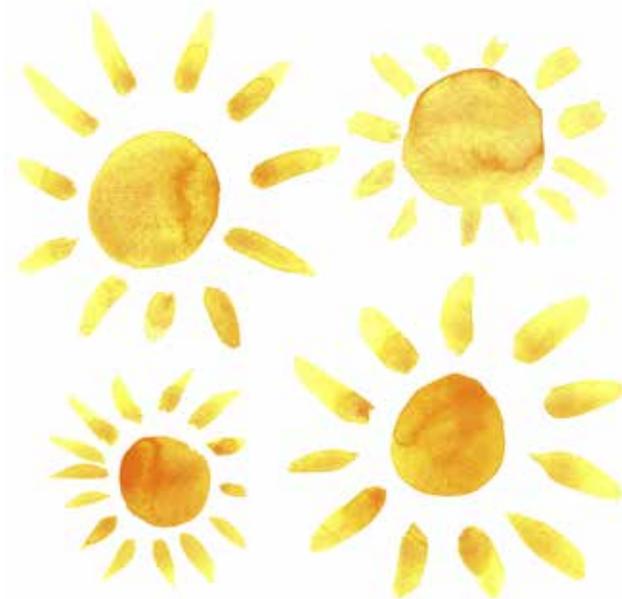


# Guide for **INCARCERATED PARENTS** Who Have Children in the Child Welfare System\*

\* The Child Welfare System is also known as Child Protective Services (CPS)  
or the Department of Family Services (DFS)





## A COLLABORATIVE EFFORT AMONG

The U.S. Department of Health and Human Services (HHS), Office of the Assistant Secretary for Planning and Evaluation (ASPE), and the Administration for Children and Families (ACF)

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## Hello

If you are reading this, you are probably involved in the criminal justice system and have children in the child welfare system. You may also know the child welfare system as the foster care system, Child Protective Services (CPS), or the Department of Family Services (DFS).



The purpose of this guide is to help parents involved in the criminal justice system work with the child welfare system to stay in touch with their children and stay involved in decisions about their children's well-being. The guide also includes important information on steps required by the child welfare system for reunification, or having children return home to their family after foster care.

If you are in the criminal justice system and need guidance on how to stay involved with your children and how to understand the reunification process, you are not alone. Roughly 1 in 10 mothers and 1 in 50 fathers in state prison has a child in the child welfare system during their incarceration.

The child welfare system can be difficult to figure out. To help you better understand the language the child welfare system uses, the first time a term is used it is in **BOLD CAPITAL LETTERS**. These words are explained in a glossary beginning on page 29.

## **This guide includes:**

### Section 1: Child Welfare Stages

This section provides general information about how the child welfare system works.

### Section 2: What to do if Your Child is in the Child Welfare System

This resource explains what you should do if you think your child is in the child welfare system.

### Section 3: What to Include in a Letter or Conversation with Your Child's Social Worker

This section gives some basic elements to include in your communication with your child's social worker.

### Section 4: Other Information that May Apply to You

This section discusses other situations that may be relevant to you such as owing child support, having a child with a disability, and more.

### Section 5: Information on Termination of Parental Rights

This section explains the process for terminating parental rights, including how the decision is made and what parents can do after their parental rights have been terminated.

### Section 6: Who Can Help?

This section provides suggestions for organizations that can help you navigate the child welfare system.

### Section 7: State Child Welfare Agency Contact Information

This section gives you contact information for state child welfare agencies so you can get in touch with the child welfare agency that is responsible for handling your child's case.

### Glossary of Terms Used by Child Welfare

This glossary will help you understand the common words and language used by staff in child welfare agencies.

### Appendix A: Myth Buster on Parental Rights

This page explains that not all parents in prison automatically lose their parental rights.



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## Section 1: Child Welfare Stages

This explanation of stages will help you — the parent — understand how the child welfare system works. (All of the words in **BOLD CAPITAL LETTERS** are explained in the glossary beginning on page 29).

**TIP: Even if you leave your child to be cared for by family or friends, it is important that you check on your child from time to time to make sure they are okay, and that circumstances haven't changed.**

### Stage I: Child is Removed from Home and Placed in the Care of the State or Local **CHILD WELFARE AGENCY**

A child may be removed from the home in one of three different ways: before the parent's arrest, at the time of the parent's arrest, or after the parent has been in prison or jail for a while. For example, a parent may leave their child in the care of the child's grandparent when he or she is arrested and incarcerated. However, a year or two after the arrest, the grandparent may be unable to care for the child, and the child ends up in the child welfare system. Even if a parent leaves their child in the care of family or friends, they should still check on their child periodically to make sure they are okay where they are.

### Stage II: Child is Placed in “**OUT-OF-HOME CARE**”

After the state or local child welfare agency decides to take the child into their custody, the agency has to decide who should look after the child. Out-of-Home Care placements can include:

**FOSTER CARE** — This is a temporary service provided by States for children who cannot live with their families. Children in foster care may live with relatives or with unrelated foster parents. Usually foster care families receive some financial assistance from the child welfare agency to care for the child. Every child in foster care is assigned a **SOCIAL WORKER** to manage the child's case. Social workers try to get the child home as soon as possible. When that is not possible, social workers try to arrange to have the child stay with relatives for the long term or may seek other long-term options, such as **ADOPTION**.

**KINSHIP CARE** — This is when a child lives with relatives, members of their tribe or clan, godparents, stepparents, or an adult who has a close relationship with the child. These arrangements can be “formal,” where the child welfare agency monitors the family. For example, a child goes to live with their grandparent, and the grandparent receives money from the state or local child welfare agency for caring for the child. In return, the grandparent has to go through training and has to be checked on by the child welfare agency.

**TIP: You should stay in touch with your child’s social worker to help make decisions about the CASE PLAN, which includes where your child lives and what to do next. Make sure your child’s social worker knows that you want to be with your child, and are willing to do what it takes to live with them after you are released.**

It can also be an “informal” arrangement between the parent and the relative to care for the child. In these cases, the child welfare agency has very little, if any, involvement. Dependency or Family courts are also not involved in informal arrangements. For example, an “informal” kinship agreement would be if a mother is arrested and asks her own mother to care for her child while she is away. The grandmother does not get a foster care payment and there is no involvement from the courts.

**RESIDENTIAL GROUP CARE** — This is when the child welfare agency places the child in residential group care because the child is unable to live with a family due to their special needs. Examples of a residential group care setting include a community-based group home with structured support or a locked facility.

### **Stage III: Continued Planning and ASSESSMENT**

When the child goes to live in foster care, formal kinship care, or residential group care, the social worker writes a case plan, which explains what the parent needs to do to live with their child again. The case plan describes the services provided to the family, the tasks the parent needs to complete to work towards reunification, and sets a goal for where the child will live permanently after he or she leaves foster care.

While the child is in foster care, formal kinship care, or residential group care, the social worker does an ongoing assessment of the case with a formal review occurring every 6 months, to see if progress is being made on the case plan.

Parents should stay in close touch with their child’s social worker during this time to help make decisions about what should be included in the case plan. Parents should make sure the social worker knows their expected release date. It is also important to make sure that the social worker knows how to get in touch with a case manager at the parent’s prison. The parent’s case manager

**TIP: Make sure your child’s social worker talks to a case manager at your prison. The case manager can tell the social worker about programs offered at the prison. The social worker can also tell the case manager about important court dates and ask for permission to allow you to participate by phone.**



at the prison may be able to provide information to the social worker about programs offered in the prison which can be included in the case plan. The social worker can also inform the parent's case manager about important court dates and make arrangements for the parent to be allowed to participate.

## Stage IV: PERMANENCY and/or TERMINATION

**PERMANENCY:** Permanency is when a child is placed with a legally permanent, nurturing family. Permanency is the ultimate goal in every case plan. A child in foster care is said to have achieved permanency if:

1. The child is discharged from foster care to reunite with his or her family, either a parent or another relative;
2. The child is discharged from foster care to a legally finalized **ADOPTION**; or
3. The child is discharged from foster care to the care of a **LEGAL GUARDIAN**.

**TERMINATION OF PARENTAL RIGHTS:** If a child has been in foster care 15 out of the most recent 22 months, the child welfare agency is required by law to initiate termination of parental rights. However, there are some exceptions that may apply when a parent is incarcerated. These exceptions include:

- if the child is being cared for by a relative (decided by the state);
- the state agency has documented in the case plan a good reason why terminating parental rights would not be in the best interests of the child; or
- the state has not provided the family with the child services necessary for the safe return of the child to the child's home, if providing state services was required.

**TIP: Some incarcerated parents lose parental rights if their child is in the child welfare system 15 out of the most recent 22 months. Talk with your child's social worker to find ways to try to avoid losing your parental rights.**



## Section 2: What to do if Your Child is in the Child Welfare System

(All of the words in **BOLD CAPITAL LETTERS** are explained in the glossary that begins on page 29).

### 1. Get in touch and stay in touch with your child's social worker.

It is very important to know where your child is while you are incarcerated. Stay in touch with the people who are caring for him or her. If your child is in the child welfare system, it is very important to stay in touch (via mail or telephone calls) with the social worker handling your child's case. Sometimes it can be difficult to get in contact with your child's social worker. Here are some strategies for how to stay in touch:

- Check in with your child's social worker at least once every 3 months. However, if there are frequent changes in where your child is living, you should check in more frequently.
- If you think that your child is in foster care, but do not know who the social worker is, there are ways to find out. Page 23 of this guide gives the contact information for state child welfare agencies.
  - Call the agency in the state where your child is currently living to see if he or she is in the child welfare system.
  - Explain that you think your child may be in the child welfare system and give the last known address where your child was living.
- If your child is in foster care, the state agency should be able to give you contact information for the social worker or for the local child welfare agency handling your child's case.
- It is also important to read your mail. If your child is in foster care, the social worker handling your child's case has a legal responsibility to get in touch with you. This communication will most likely be a letter in the mail. If you get a letter from a social worker, it is important that you reply right away.
- It is important to make sure that the social worker has your most recent address. If you are transferred to a different facility, make sure your child's social worker knows your new contact information.



**TIP: Be sure to open all mail from Child Welfare Agencies and respond quickly.**

**TIP: If you are transferred to a new facility, make sure you let your child's social worker know your new mailing address.**

- Make sure the social worker knows the best way to reach you and communicate with you. The social worker should know if he or she must accept emails or phone calls coming from the institution or know if you cannot make phone calls during certain times, etc. Make sure he or she knows the visiting hours and rules.

It can be difficult to get in touch with social workers for a few reasons. Social Workers may be handling cases for many different children and may not be able to pick up their phone. Or you may not have access to paper and stamps to send a letter. Sometimes communication does not make it to the right person, or emails are not accepted by the child welfare agency.

- If the social worker is not responding, try a few different forms of communication such as email in addition to a letter or a phone call.
- It may also be a good idea to try to get an advocate to help you. More information about advocates can be found in the section beginning on page 22.

## 2. Make sure you have all of the right information about your child's case.

Make sure to get all the right information about your child's case from your child's social worker when you talk to them. Ask if you will be appointed a lawyer to represent you in the child welfare case. If you will be appointed a lawyer, ask for the lawyer's contact information. Make sure the lawyer knows that you would like to be **REUNIFIED** with your child. Information may also come from the child welfare agency or a lawyer in charge of your child's care (remember to check your mail). Usually social workers will try to reach out to parents if they are in danger of losing their parental rights. However, it is a good idea to be proactive and reach out to your child's welfare social worker, as sometimes communication can come late. The checklist in Section 3 has specific information you should discuss with your child's social worker when you make contact.

## 3. Let the social worker know that you want family reunification (to live with your child) after your release from prison.

Not all incarcerated parents are able to reunite with their child after leaving prison or jail. Every case is different and is treated differently



**TIP: Keep a list of all the information you need to get from your child's social worker.**

**TIP: Let your child's social worker know that you want to be reunified.**

by the courts. There is no “one size fits all” answer for how parents can be reunited with their child. There are different child welfare laws in each state that influence whether an incarcerated parent is reunited with their child.

Reunification with your child may not be possible, but it is always very important to tell your child’s social worker that you are willing to do what it takes to have **CUSTODY** of your child upon your release. Let the social worker know that you are willing to work with them to make it happen. You can also help by telling the social worker about relatives or family friends who may be able to care for your child until you are released from prison. You are less likely to lose your parental rights if the child is staying with relatives or a family friend than if your child is staying with foster parents found by the child welfare system.

#### **4. Work with the social worker to do everything possible to prepare for reunification while you are still incarcerated.**

Every child’s case is different. Therefore, every parent may have to do different things to reunify with their child. You should work with the social worker and your case manager in prison to see if there are things you can do from prison to increase your chances of reunifying with your child upon release. For example, a social worker may require you to take parenting classes or participate in substance abuse treatment before reunifying with your child upon release. Check with your prison case manager to see if the prison offers these classes, and check with your child’s social worker to see if the classes offered in prison can count toward that goal. Also consider enrolling in an education or employment class to show your child’s social worker that you are taking the right steps to be able to support your child when you are released. It is important to coordinate with your prison case manager to determine how best to provide your child’s social worker with documentation of these types of programs.

#### **5. Find a lawyer or an advocate to help you.**

Because you may not be able to meet with your child’s social worker in person, it may be helpful to find a lawyer or an advocate who can help you reach your goals. For more information about finding a lawyer or advocate to help with your case, please see the section beginning on page 19 of this guide.



**TIP: Talk to your case manager in prison and your child’s social worker to find out what you can do in prison to help your chances of reunifying with your child after you are released.**

**TIP: There are things you can do in prison to show your child’s social worker that you are ready for reunification.**

## 6. Participate in COURT HEARINGS and ADMINISTRATIVE REVIEWS when possible.

Every child in the child welfare system has regular court hearings and administrative reviews to review the child's case. When possible, you should try to participate in these court hearings and administrative reviews so that you can be involved in making decisions about your child. Federal law requires that parents be allowed to participate in permanency court hearings and administrative reviews for their child's child welfare case. However, location and security requirements often make it hard for incarcerated parents to attend in-person. If attending in-person is not possible, it may be possible to work with your prison case manager and your child's social worker to participate by phone or video.



**TIP: Try to participate in court hearings and administrative reviews by phone if you cannot go in person.**

## 7. Stay in touch with your child.

When possible you should try to stay in touch with your child through visits, telephone calls, writing letters, and any other forms of communication available. Some prisons also have programs in place to allow inmates to send home recordings of them reading books to their child. Staying in touch with your child shows your child's social worker that you are committed to maintaining your relationship with your child and that you want to stay involved in his or her life.



**TIP: It is important to write letters and stay in touch with your child.**



To learn more about your rights and responsibilities, please see **“A Family's Guide to the Child Welfare System.”**

You can ask your institution Reentry Affairs Coordinator or case manager where you can get a paper copy of this document. Or they can obtain a copy for you from **<http://www.tapartnership.org/docs/familyGuideToChildWelfare.pdf>**



## Section 3: What to Include in a Letter or Conversation with Your Child's Social Worker

Here are some things to include in a letter to your child's social worker or to mention when you speak to them:

- Your name.
- The name and address of the facility where you are incarcerated.
- Any possible or planned changes of address.
- The name and contact information for your case manager at your facility.
- Your child's name, date of birth, and last known address.
- Information about your child, such as if he or she has any disabilities. Tell them about your child's likes or dislikes. How does he or she do in school? Any information about your child may be helpful.
- Specific details for how the social worker can get in touch with you:
  - Should he/she call you, write you a letter, or communicate via e-mail?
  - What are the rules around communication? Let the social worker know if he/she will have to accept a request to communicate with you.
  - What are the security procedures for phone calls, mail, email and visits? Let him or her know that it may take longer for you to receive mail because it needs to be screened. Let him or her know you do not have access to the Internet but you may be able to use controlled emails.
- A request for a copy of the case plan which is the plan for the care, safety, and well-being of your child and any revisions to that plan.
- A request for the court dates associated with your child's case and ways you can participate (e.g., by phone or live video).
- Clear statement that you want to be reunified with your child.
- What you are doing to stay in touch with your child (e.g., do you call them or write letters?) and if you are taking classes. All of these things show your child's social worker you are making an effort to reunify with your child.
- Any recommendations for family or friends who are willing and able to care for your child while you are incarcerated (e.g., the child's grandparent, a close family friend, another relative, etc.).

**TIP: When possible, try to keep a record of all communication you send to your child's social worker. As part of this record, you should keep track of how many times you tried calling and keep a copy of any letters you send. This record may come in handy later to remind you and others what you have shared with your child's social worker.**

## Section 4: Other Information that May Apply to You



### Children with Disabilities

If your child has a disability, either physical or mental, it is very important to make sure that your child's social worker knows about the disability and any treatments or medication your child is taking and/or needs to take. Social workers are trained to ensure that your child is safe. They also provide training to foster care parents and kinship care parents about how to keep children safe. However, some caregivers are better than others at caring for children with disabilities. Therefore, it is important for your child's social worker to be aware of any and all disabilities so that he or she can find the best person or people to care for your child. Also, if your child will be changing schools, it is important to make sure that the social worker notifies the new school about any physical or mental disabilities. If possible, send your child's social worker any documentation about the disability, either from a doctor or a teacher.

### American Indian Families

*(Source: "A Family's Guide to the Child Welfare System" p 81).*

The child welfare system is a little different for American Indian families. All state child welfare agencies must follow the Indian Child Welfare Act (ICWA), which is a Federal law for Indian tribes. The law gives Indian tribes the right to be involved in deciding what should happen to Indian children who may be placed in foster care or adoptive placements.

Your child's social worker should ask you if you are a member of a federally recognized Indian tribe.

Or the social worker may decide that your child is an ICWA case if he or she learns that your family has connections to an Indian tribe, Indian organization, or agencies like the Indian Health Service. Your friends or relatives may also say something to the child welfare agency that suggests they need to follow ICWA.

ICWA gives Indian parents certain rights. ICWA gives state child welfare agencies certain responsibilities:

- Before state child welfare agencies can take children from their families, ICWA requires the child welfare agency make “active efforts” to help keep children at home. “Active efforts” means any kind of direct services and assistance that will help the family stay together. But if the situation is very dangerous, children can be removed immediately until it is safe for them to be returned.
- As an Indian parent, if your child must be removed from your home, the state child welfare agency and state court must notify you and your child’s tribe(s) by registered mail about the case. This must happen whenever a tribal member is involved in a child welfare hearing. No hearing can be held until 10 days after you and your tribe receive the notice. Then you and your tribe can request up to 20 additional days to get ready for the hearing.
- If you are not able to afford a lawyer, under ICWA, you have the right to have a lawyer appointed by the court. If the state does not provide you with a lawyer, the court is supposed to pay reasonable fees and expenses so that you will have a lawyer.
- Before removing your child from home, ICWA requires that an “expert witness” testify in court that this placement is necessary. The expert witness is a person who is American Indian or who has experience working with Indian families.

As an Indian parent, if your child is placed into foster care, he or she must be placed with a relative. If a relative isn’t available, he or she must be placed with a foster family who is a member of your tribe. If no foster family from your tribe is available, your child must be placed with an Indian foster family who is a member of another tribe. Unfortunately, there are often few, if any, Indian foster families available. As a result, Indian children are sometimes placed with non-Indian foster families, which is often not the preferred placement strategy.



### **Child Support**

If you pay child support, The Office of Child Support Enforcement (part of the U.S. Department of Health and Human Services) has written a guide called “Changing a Child Support Order” that might help you and possibly reduce the amount you owe in child support. The guide has information to help incarcerated parents, and people who work with parents, better understand the child support review process.

The child support guide explains how you can ask to have your child support order changed when your financial situation changes. You can find phone numbers, websites, and forms (where available) to help start the modification process. The guide can be helpful if you do not know a lot about the child support system or if you do not have access to the Internet. A paper copy of the guide may be available at your facility, or you can ask the Reentry Affairs Coordinator at your facility to get the guide at <http://www.acf.hhs.gov/programs/css/resource/state-by-state-how-to-change-a-child-support-order> or the Federal Bureau of Prison's webpage.

If you have had a significant change in your income or living situation, and you have a case with a child support office, it is important that you contact the child support office as soon as possible so changes can be made if necessary. *Child support orders are not automatically reduced when a parent enters prison, even if a parent does not have the ability to pay the order anymore. If you wait until you are no longer incarcerated, you will still owe the full amount of child support.*

### **Across States**

Many incarcerated parents are living in a different state from where their child is living. Each state has different child welfare laws and processes. The state where your child is living is the state whose laws apply to the case. For example, if you are incarcerated in Indiana, but your child is in Michigan, contact the Michigan child welfare agency. Or if you are planning to return to Maryland, but your child is living in Florida, contact the Florida child welfare agency. The only time this does not apply is if the child was legally adopted, and the child and the adoptive parents moved out of state. In that case, contact the child welfare agency in the state the child was living when he or she was adopted. The most important thing is to stay in touch with your child's social worker. Your child's social worker will know the state laws and how to handle the case across states.

### **Immigrants**

It is very important that your child's social worker knows where you are. If you change locations, let them know immediately. If you are scheduled to be deported, you must let your child's social worker know if you want your child to be with you during the deportation. Give the social worker this information as soon as possible. You may want to get help with your case. Please see page 22 for a list of organizations that may be able to help.



## Section 5: Termination of Parental Rights — What to do Next

### **Child welfare agencies are required to work with parents, including incarcerated parents, in case planning for their child in foster care.**

Social workers try to reunify families whenever possible; however, there are some cases where giving custody to the parent is not possible. When a child's social worker decides that giving custody is not possible, he or she will initiate termination of parental rights, which is decided through a Termination Hearing.

#### **What is the purpose of a Termination Hearing?**

*(Source: "A Family's Guide to the Child Welfare System" p 50).*

The purpose of a Termination Hearing is to decide whether all of a parent's rights should end, for example, the right to make decisions about a child, the right to visit, and more. If a parent's rights are terminated, the child can be placed in another permanent home, usually through adoption.

It is very important for you to participate in the Termination Hearing in order to try to prevent losing parental rights.

#### **When can a Termination Hearing take place?**

A Termination Hearing can happen any time after the child is placed in foster care. Federal law says that a Termination Hearing may be held after a child has been in foster care for 15 out of the most recent 22 months. In some states, a Termination Hearing can take place sooner for these reasons:

- Some states give parents less time
- The social worker determines that the parent has abandoned the child

- The social worker offers the parent services and steps to follow for reunification but the parent does not make any effort to follow the steps
- A court has determined that a parent has murdered, attempted to murder, or seriously injured another one of his or her children

It is important to stay in close contact with your child's social worker so that you know when or if a Termination Hearing is scheduled. If a Termination Hearing is scheduled, you should try to have a lawyer or advocate help you with your case.

See the section beginning on page 19 for more information about contacting a lawyer or advocate.

#### **What can I do next if my parental rights are terminated?**

Since the decision to terminate parental rights is made by a judge through the court system, parents must appeal the decision through the legal system. Each state has different laws for how the appeal process works, what the criteria is for an appeal, and how much time parents have to appeal after the decision is made.

To appeal a Termination of Parental Rights decision, you may want to seek the help of a lawyer. See the section beginning on page 19 for more information on finding a lawyer.

If you cannot appeal the decision, or if the appeal was turned down by the court, there may be ways to continue communication or a relationship with your child informally. If your child is under age 18, you can contact your child's legal guardian or adoptive parents and let them know that you would like to have a relationship with your child. You can discuss how this relationship might work (for example, writing letters from time to time, making phone calls, or having approved visits at the prison). If you do not know who your child's legal guardian is, you can contact your child's child welfare agency to see if they can tell you that information. Be aware that some parents who adopt children from the child welfare agency decide that they would not like to be contacted by the child's biological parents. You can always ask the child welfare agency to get in touch with the child's legal guardian or adoptive parents and tell them that you are interested in having a relationship with your child

and see if the legal guardian or adoptive parents will agree. Since they are now the legal guardian or adoptive parents of the child, they have the legal right to make the decision. There is no guarantee that the legal guardian or adoptive parents will agree.

If your child is over age 18, you can contact the child directly and tell them that you would like to have a relationship. Because the child is now a legal adult, he or she is entitled to decide whether he or she would like a relationship.



## Section 6: Who Can Help?

This section provides contact information for organizations that may be able to help you with your child welfare case.

### Lawyers

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You are allowed to have a lawyer represent you in all child welfare administrative reviews and hearings. Lawyers can help explain to the court why are you unable to participate in person and present your wishes to the judge. Some state laws give you the right to a lawyer for child welfare cases and will appoint one for you if you cannot afford a lawyer on your own; other states do not give you a right to a lawyer. You should ask your child's social worker to find out the laws for your state.

If you are not appointed a lawyer in your state, you can still find and pay for one on your own. If you are not able to pay for a lawyer, you can check with the following legal associations, who may be able to provide services free of charge (also called "pro bono").

\*These legal aid organizations are listed in alphabetical order by state. Some of these organizations may be able to help you. If they cannot, or if they do not serve clients who live in your part of the state, ask them if they can refer you to a different lawyer who can help.

#### **Alabama Legal Services**

207 Montgomery Street,  
Suite 1200  
Montgomery, AL 36104  
866-456-4995

#### **Alaska Legal Services**

1016 W. 6th Avenue, Suite 200  
Anchorage, AK 99501  
907-272-9431

#### **Arizona State University**

Armstrong Hall, Room 106  
Tempe, AZ 85287  
480-965-6968

#### **Legal Aid of Arkansas**

714 South Main Street  
Jonesboro, AR 72401  
870-972-9224

#### **California**

Legal Services for Prisoners  
with Children  
1540 Market Street, Suite 490  
San Francisco, CA 94102  
415-225-7036

#### **Colorado Legal Services**

315 W. South Boulder Road,  
Suite 205  
Louisville, CO 80027  
303-449-7575

#### **Connecticut Legal Services**

62 Washington Street  
Middletown, CT 06457  
860-344-0447

#### **Delaware Community Legal Aid Society**

100 West 10th Street,  
Suite 801  
Wilmington, DE 19801  
800-292-7980

#### **Florida Legal Services, Inc.**

2425 Torreya Drive  
Tallahassee, FL 32303  
850-385-7900

#### **Georgia Legal Services Program**

104 Marietta Street NW  
Atlanta, GA 30303  
404-206-5175

#### **Legal Aid Society of Hawaii**

924 Bethel Street  
Honolulu, HI 96813  
808-536-4302

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**Idaho Legal Aid**

310 N. 5th Street  
Boise, ID 83702  
208-336-8980

**Illinois**

Chicago Legal Advocacy for  
Incarcerated Mothers  
70 East Lake Street, Suite 1120  
Chicago, IL 60601  
312-675-0912

**Indiana Legal Services**

214 South College Avenue  
Bloomington, IN 47404  
812-339-7668

**Iowa Legal Assistance**

736 Federal Street, Suite 1401  
Davenport, IA 52803  
563-322-6216

**Kansas Legal Services**

712 S. Kansas Avenue,  
Suite 200  
Topeka, KS 66603  
785-354-8311

**Kentucky Legal Aid**

1700 Destiny Lane  
Bowling Green, KY 42104  
800-782-1924

**Louisiana Legal Services**

1200 Derek Drive, Suite 100  
Hammond, LA 70403  
985-345-2686

**Maine**

88 Federal Street  
P.O. Box 547  
Portland, ME 04112  
207-774-8211

**Maryland Legal Services**

7500 Gov. Ritchie Highway,  
Room 206  
Glen Burnie, MD 21061  
410-260-1392

**Massachusetts Legal  
Assistance Corporation**

7 Winthrop Square, 2nd Floor  
Boston, MA 02110  
617-367-8544

**Michigan Legal Services**

220 Bagley, Suite 900  
Detroit, MI 48226  
313-964-4130

**Minnesota Legal Services**

2324 University Avenue West  
St. Paul, MN 55114  
651-228-9105

**Mississippi Center for  
Legal Services**

P.O. Box 1728  
Hattiesburg, Mississippi 39403  
800-773-1737

**Missouri Legal Services**

4232 Forest Park Avenue  
St. Louis, Missouri 63108  
314-534-4200

**Montana Justice Foundation**

11 N. Higgins, Suite 516  
Missoula, MO 59802  
406-523-3920

**Nebraska Legal Aid**

1904 Farnam Street, 5th Floor  
Omaha, NE 68102  
402-348-1069

**Nevada Legal Aid**

725 E. Charleston Boulevard  
Las Vegas, NV 89104  
702-386-1070

**New Hampshire Legal Advice  
& Referral Center**

48 South Main Street  
Concord, NH 03301  
800-639-5290

**Legal Services of New Jersey**

P.O. Box 1357  
Edison, NJ 08818  
888-576-5529

**New Mexico Legal Aid**

301 Gold Avenue SW  
Albuquerque, NM 87102  
505-243-7871

**New York Legal Aid Society**

199 Water Street  
New York, NY  
212-577-3300

**North Carolina Legal Aid**

224 South Dawson Street  
Raleigh, NC 27601  
866-219-5262

**Legal Services of North  
Dakota**

1025 Third Street North  
P.O. Box 1893  
Bismarck, ND 58502  
800-634-5263

**Ohio — The Legal Aid Society  
of Columbus**

1108 City Park Avenue  
Columbus, OH, 43206  
614-241-2001

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**Legal Aid Services of Oklahoma, Inc.**

2901 North Classen Boulevard,  
Suite 112  
Oklahoma City, OK 73106  
888-534-5243

**Legal Aid Services of Oregon**

921 SW Washington, Suite 500  
Portland, OR 97321  
503-224-4086

**The Pennsylvania Legal Aid Network, Inc.**

The Louise Brookins Building  
118 Locust Street  
Harrisburg, PA 17101  
717-236-9486

**Rhode Island Legal Services**

56 Pine Street, 4th Floor  
Providence, RI 02903  
401-274-2652

**South Carolina Legal Services**

2109 Bull Street  
P.O. Box 1445  
Columbia, SC 29201  
888-744-9430

**South Dakota — Access to Justice, Inc.**

816 6th Street  
P.O. Box 495  
Rapid City, SD 57709  
605-791-4147

**Tennessee Alliance for Legal Services, Inc.**

50 Vantage Way, Suite 250  
Nashville, TN 37228  
615-627-0956

**Texas — Lone Star Legal Aid**

1415 Fannin Street  
Houston, TX 77002  
800-733-8394

**Utah Legal Services**

205 N. 400 W  
Salt Lake City, UT 84103  
801-328-8891

**Vermont Legal Aid**

7 Court Street  
Montpelier, VT 05601  
800-889-2047

**Virginia Legal Aid Society**

101 West Broad Street,  
Suite 101  
Richmond, VA 23220  
800-868-1012

**Washington Office of Civil Legal Aid**

1112 Quince Street SE  
P.O. Box 41183  
Olympia, WA 98504  
360-704-4135

**Legal Aid Washington DC**

1331 H Street, NW, Suite 350  
Washington, DC 20005  
202-727-2132

**Legal Aid of West Virginia**

922 Quarrier Street, 4th Floor  
Charleston, WV 25301  
304-345-5934

**Legal Action of Wisconsin**

31 South Mills Street  
Madison, WI 53715  
608-256-3258

For a more complete listing of legal aid offices by state, ask a Reentry Affairs Coordinator at your facility to visit <http://www.vlas.org/RTF1.cfm?pagename=Legal%20Services%20Directory%20in%20US> and write down the contact information for an organization from the state you were living in prior to incarceration.

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## Child Advocates

Some states and communities have Court Appointed Special Advocates (CASA) programs. CASA programs use trained community volunteers to speak up in court for what they believe are the best interests of the child. If your community has this program, the judge may appoint a CASA to assist with the case. You can also try to obtain a CASA representative by calling 1-800-628-3233 or by writing a letter to:

### **The National CASA Association**

100 West Harrison  
North Tower, Suite 500  
Seattle, WA 98119

## Advocates for Immigrants

There are organizations that help families prepare for deportation. If you are an immigrant and are scheduled to be deported, you may want to seek assistance from:

### **The Woman Refugee Commission**

122 East 42nd Street  
New York, NY 10168  
212-551-3115

[info@wrcommission.org](mailto:info@wrcommission.org)

## Advocates for Children with Disabilities

### **Pacer Center: Champions for Children with Disabilities**

8161 Normandale Boulevard  
Bloomington, MN 55347  
1-800-537-2237

## Section 7: State Child Welfare

**The best way to determine the location of a child in the child welfare system is to contact the state foster care program office.** Keep in mind that this office may be found in different departments, depending on the state. Or ask your Reentry Affairs Coordinator or case manager to help you locate this information on the web at <https://www.childwelfare.gov/nfcad/?CWIGFunctionsaction=nfcad:main&CWIGFunctionspk=1>.

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### Alabama Department of Human Resources

50 North Ripley Street  
Montgomery, AL 36130  
Phone: (334) 242-9500  
Fax: (334) 242-0939

[http://dhr.alabama.gov/services/Foster\\_Care/Intro\\_Foster\\_Care.aspx](http://dhr.alabama.gov/services/Foster_Care/Intro_Foster_Care.aspx)

### Alaska Department of Health and Social Services

Office of Children's Services  
P.O. Box 110630  
130 Seward Street, Room 4K  
Juneau, AK 99811-0630  
Phone: (907) 465-2145  
Fax: (907) 465-3656

<http://dhss.alaska.gov/ocs/Pages/default.aspx>

### Arizona Department of Economic Security

Division of Children, Youth and Families  
P.O. Box 6123-940A  
Phoenix, AZ 85007  
Phone: (602) 542-2358  
Fax: (602) 542-3330

<https://www.azdes.gov/dcyf/ADOPTION/>

Spanish: <https://www.azdes.gov/landing.aspx?id=9471>

### Arkansas Department of Human Services

Division of Children and Family Services  
P.O. Box 1437  
Slot S565  
Little Rock, AR 72203-1437

Phone: (501) 682-6812

Fax: (501) 683-2788

<http://www.fosterarkansas.org/>

### California Department of Social Services

744 P Street  
Sacramento, CA 95822  
Phone: (916) 651-1064

<http://www.childsworld.ca.gov/PG1335.htm>

### Colorado Department of Human Services

Division of Child Welfare  
1575 Sherman Street  
2nd Floor  
Denver, CO 80203-1714  
Phone: (303) 866-3546  
Fax: (303) 866-4629

<http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251579373548>

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**Connecticut Department of Children and Families**

Office of Foster and Adoption Services  
505 Hudson Street  
Hartford, CT 06106  
Phone: (860) 550-6350  
Fax: (860) 566-6726

<http://www.ctfosteradopt.com/fosteradopt/site/default.asp>

**Delaware Department of Services for Children, Youth and Their Families**

Delaware Division of Family Services  
1825 Faulkland Road  
Wilmington, DE 19805  
Phone: (302) 633-2665  
Fax: (302) 633-2652

<http://www.state.de.us/kids/fs/fostercare.shtml>

**District of Columbia Child and Family Services Agency**

Family Resource Division  
200 I Street SE  
Washington, DC 20003  
Phone: (202) 727-2455  
Fax: (202) 727-3233

**Florida Department of Children and Families**

1317 Winewood Boulevard  
Building 1  
Tallahassee, FL 32399-0700  
Phone: (850) 717-4659  
Fax: (850) 488-0751

<http://www.myflfamilies.com/service-programs/foster-care>

**Georgia Department of Human Services**

Division of Family and Children Services  
2 Peachtree Street NW  
Suite 8-460  
Atlanta, GA 30303  
Phone: (404) 463-3957  
Fax: (404) 657-0212

<http://dfcs.dhs.georgia.gov/foster-care>

**Hawaii Department of Human Services**

Child Welfare Services Division  
810 Richards Street, Suite 400  
Honolulu, HI 96813  
Phone: (808) 586-5704  
Fax: (808) 586-4806

[http://www.hawaii.gov/dhs/protection/social\\_services/child\\_welfare/Foster](http://www.hawaii.gov/dhs/protection/social_services/child_welfare/Foster)

**Idaho Department of Health and Welfare**

450 West State Street, 5th Floor  
Boise, ID 83702  
Phone: (208) 334-5695  
Fax: (208) 332-7330

<http://www.healthandwelfare.idaho.gov/Children/AdoptionFosterCareHome/tabid/75/Default.aspx>

Spanish: <http://translate.google.com/translate?js=n&prev=t&hl=en&ie=UTF-8&layout=2&eotf=1&sl=en&tl=es&u=www.dhw.idaho.gov>

**Illinois Department of Children and Family Services**

Division of Foster Care and Permanency Services  
100 W Randolph, 6th Floor  
Chicago, IL 60601  
Phone: (312) 814-5575  
Fax: (312) 814-1905

<http://www.state.il.us/dcfs/foster/index.shtml>

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**Indiana Department of Child Services**

302 West Washington Street  
Room E306, MS 47  
Indianapolis, IN 46204  
Phone: (317) 234-5088

<http://www.in.gov/dcs>

**Iowa Department of Human Services**

Adult, Child and Family Services  
Hoover State Office Building, 5th Floor  
1305 East Walnut Avenue  
Des Moines, IA 50319-0114  
Phone: (515) 281-3012

<http://www.dhs.state.ia.us>

**Kansas Department for Children and Families**

Prevention and Protection Services  
915 SW Harrison, Suite 530  
Topeka, KS 66612  
Phone: (785) 368-8180  
Fax: (785) 368-8159

<http://www.dcf.ks.gov/services/PPS/Pages/FosterCareServices.aspx>

**Kentucky Cabinet for Health and Family Services**

Department for Community Based Services/Division of Protection & Permanency  
275 East Main Street-3CE  
Frankfort, KY 40621  
Phone: (502) 564-2147  
Fax: (502) 564-5995

<http://chfs.ky.gov/dCBS/dpp/fostercare.htm>

**Louisiana Department of Children & Family Services**

627 North Fourth Street  
Baton Rouge, LA 70802  
Phone: (225) 342-4006  
Fax: (225) 342-9087

<http://www.dss.state.la.us/>

**Maine Department of Health and Human Services**

Office of Child and Family Services  
2 Anthony Avenue, SHS #11  
Augusta, ME 04333  
Phone: (207) 624-7964  
Fax: (207) 287-6156

<http://www.maine.gov/dhhs/bcfs/fosteradopt.htm>

**Maryland Department of Human Resources**

311 West Saratoga Street  
Baltimore, MD 21201  
Phone: (410) 767-7695  
Fax: (410) 333-6556

[http://www.dhr.state.md.us/blog/?page\\_id=4800](http://www.dhr.state.md.us/blog/?page_id=4800)

**Massachusetts Department of Children and Families (DCF)**

600 Washington Street, 6th Floor  
Boston, MA 02211  
Phone: (617) 748-2198  
Fax: (617) 261-7437

<http://www.mass.gov/eohhs/gov/departments/dcf/foster-care/>

**Michigan Department of Human Services**

Child and Family Services Administration  
235 South Grand Avenue, Suite 510  
Lansing, MI 48909  
Phone: (517) 335-4652

[http://www.michigan.gov/dhs/0,1607,7-124-5452\\_7117-.00.html](http://www.michigan.gov/dhs/0,1607,7-124-5452_7117-.00.html)

**Minnesota Department of Human Services**

444 Lafayette Road North  
St. Paul, MN 55164-0943  
Phone: (651) 431-4667  
Fax: (651) 431-7491

[http://www.dhs.state.mn.us/main/idcplg?IdcService=GET\\_DYNAMIC\\_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id\\_000164](http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_000164)

**Mississippi Department of Human Services**

Division of Family and Children's Services  
P.O. Box 352  
750 North State Street  
Jackson, MS 39202  
Phone: (601) 359-4989  
Fax: (601) 359-4360

<http://www.mdhs.state.ms.us/family-childrens-services/>

**Missouri Department of Social Services**

615 Howerton Court  
P.O. Box 88  
Jefferson City, MO 65103  
Phone: (573) 751-2427  
Fax: (573) 526-3971

[http://dss.mo.gov/pr\\_cs.htm](http://dss.mo.gov/pr_cs.htm)

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**Montana Department of Public Health and Human Services**

Child and Family Services Division

P.O. Box 8005

Helena, MT 59604-8005

Phone: (406) 841-2402

Fax: (406) 841-2487

<http://www.fostercare.mt.gov>

**Nebraska Department of Health and Human Services**

Division of Children and Family Services

301 Centennial Mall South

P.O. Box 95026

Lincoln, NE 68509

Phone: (402) 471-9333

Fax: (402) 471-9034

[http://dhhs.ne.gov/publichealth/Pages/chs\\_foc\\_focindex.aspx](http://dhhs.ne.gov/publichealth/Pages/chs_foc_focindex.aspx)

**Nevada Department of Health and Human**

Services Division of Child and Family Services

4126 Technology Way

3rd Floor

Carson City, NV 89706

Phone: (775) 684-4434

<http://www.dhhs.state.nv.us>

**New Hampshire Department of Health and Human Services**

Division for Children, Youth and Families

129 Pleasant Street

Thayer Building

Concord, NH 03301

Phone: (603) 271-4711

<http://www.dhhs.nh.gov/dcyf/ADOPTION/>

**New Jersey Department of Children and Families**

Division of Child Protection and Permanency/

Office of Resource Families

50 East State Street

P.O. Box 717

Trenton, NJ 08625

Phone: (609) 888-7064

Fax: (609) 341-9342

<http://www.njfostercare.org/>

**New Mexico Children, Youth and Families Department Protective Services**

P.O. Drawer 5160

PERA Building, Room 219

Santa Fe, NM 87502

Phone: (505) 476-0355

<http://www.cyfd.org/>

**New York State Office of Children and Family Services (OCFS)**

Office of Strategic Planning

52 Washington Street

South Building, Room 313

Rensselaer, NY 12144-2834

Phone: (518) 473-1776

<http://www.ocfs.state.ny.us/main/fostercare/>

Spanish: [http://www.ocfs.state.ny.us/main/fostercare/overview\\_sp.asp](http://www.ocfs.state.ny.us/main/fostercare/overview_sp.asp)

**North Carolina Department of Health and Human Services**

Child Welfare Services Section

325 North Salisbury Street

Suite 715, 2409 Mail Service Center

Raleigh, NC 27603

Phone: (919) 334-1104

Fax: (919) 715-6714

<http://www.dhhs.state.nc.us/dss/fostercare/index.htm>

**North Dakota Department of Human Services**

Children & Family Services

600 East Boulevard Avenue

State Capitol Building, Dept. 325

Bismarck, ND 58505

Phone: (701) 328-1018

Fax: (701) 328-3538

<http://www.nd.gov/dhs/services/childfamily/fostercare/>

**Ohio Department of Job and Family Services, Office for Children and Families**

50 West Town Street

P.O. Box 182709

Columbus, OH 43218-2709

Phone: (614) 752-0651

Fax: (614) 466-7557

<http://jfs.ohio.gov/ocf/>

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**Oklahoma Department of Human Services**

P.O. Box 25352  
Oklahoma City, OK 73125  
Phone: (405) 521-4254  
Fax: (405) 521-4373

<http://www.okdhs.org/programsandservices/foster/>

**Oregon Department of Human Services**

Office of Child Welfare Programs  
500 Summer Street, NE E77  
Salem, OR 97310-1069  
Phone: (503) 945-6897  
Fax: (503) 945-6969  
Toll-Free:(800) 331-0503

<http://www.oregon.gov/DHS/children/fostercare/>

**Pennsylvania Department of Public Welfare**

Office of Children, Youth, and Families  
625 Forster Street  
Health and Welfare Building, Rooms 103/105  
Harrisburg, PA 17105  
Phone: (717) 783-7287  
Fax: (717) 346-9663

[http://www.dpw.state.pa.us/forchildren/  
childwelfareservices/fostercareinpennsylvania/index.htm](http://www.dpw.state.pa.us/forchildren/childwelfareservices/fostercareinpennsylvania/index.htm)

**Puerto Rico Administration for Children and Families**

Department of the Family  
P.O. Box 15091  
San Juan, PR 00902  
Phone: (787) 725-5443  
Fax: (787) 723-0051

<http://www.familia.gobierno.pr>

**Rhode Island Department of Children, Youth and Families**

Permanency Services Unit  
101 Friendship Street, 4th Floor  
Providence, RI 02903  
Phone: (401) 528-3700  
Fax: (401) 528-3650

<http://www.dcyf.ri.gov/foster/index.php>

**South Carolina Department of Social Services**

1535 Confederate Avenue  
P.O. Box 1520  
Columbia, SC 29201  
Phone: (803) 898-7637  
Fax: (803) 898-7641

<http://www.state.sc.us/dss/fostercare/index.html>

**South Dakota Department of Social Services**

Child Protection Services  
700 Governor's Drive  
Pierre, SD 57501-2291  
Phone: (605) 773-3227  
Fax: (605) 773-6834

<http://dss.sd.gov/cps/>

**Tennessee Department of Children's Services**

Cordell Hull Building, 8th Floor  
436 Sixth Avenue North  
Nashville, TN 37243-1290  
Phone: (615) 253-6351  
Fax: (615) 253-4717

<http://tennessee.gov/youth/fostercare.htm>

**Texas Department of Family and Protective Services**

701 West 51st Street  
Mail Code w-157  
Austin, TX 78751  
Phone: (512) 438-3403

[http://www.dfps.state.tx.us/Adoption\\_and\\_Foster\\_Care/  
About\\_Foster\\_Care/](http://www.dfps.state.tx.us/Adoption_and_Foster_Care/About_Foster_Care/)

**Utah Department of Human Services  
Division of Child and Family Services**

195 North 1950 West  
Salt Lake City, UT 84116  
Phone: (801) 696-4866  
Fax: (801) 538-3993

<http://hs.utah.gov/overview/adoption-foster-care/>

**Vermont Department for Children and Families**

103 South Main Street  
Osgood Building, 3rd Floor  
Waterbury, VT 05671-2401  
Phone: (802) 769-6324

[http://dcf.vermont.gov/ADOPTION\\_fostercare](http://dcf.vermont.gov/ADOPTION_fostercare)

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**Virgin Islands Department of Human Services**

6179 Anna's Hope  
Building A-Knud Hansen Complex, Christiansted  
St. Croix, VI 00802  
Phone: (340) 773-5303  
Fax: (340) 773-1882

**Virgin Islands Department of Human Services**

1303 Hospital Ground  
Building A-Knud Hansen Complex  
St. Thomas, VI 00802  
Phone: (340) 774-4393  
Fax: (340) 774-0082

<http://www.dhs.gov.vi/CYS/protection.html>

**Virginia Department of Social Services  
Division of Family Services**

801 East Main Street  
Richmond, VA 23219  
Phone: (804) 726-7522  
Fax: (804) 726-7895

<http://www.dss.virginia.gov/family/fc/index.cgi>

**Washington Department of Social and  
Health Services**

Division of Children's Services  
1115 Washington Street SE OB-2  
P.O. Box 45713  
Olympia, WA 98504  
Phone: (360) 902-8035  
Fax: (360) 902-7903

<http://www1.dshs.wa.gov/ca/fosterparents/index.asp>

**West Virginia Department of Health and  
Human Resources**

Bureau for Children & Families  
350 Capitol Street, Room 691  
Charleston, WV 25301-3704  
Phone: (304) 356-4590  
Fax: (304) 558-4563

[http://www.wvdhhr.org/bcf/children\\_adult/foster/](http://www.wvdhhr.org/bcf/children_adult/foster/)

**Wisconsin Department of Children and Families**

201 East Washington Avenue  
P.O. Box 8916  
Madison, WI 53708-8916  
Phone: (608) 264-6933  
Fax: (608) 266-9010

<http://dcf.wisconsin.gov/children/foster/index.htm>

**Wyoming Department of Family Services**

2451 Foothill Boulevard, Suite 103  
Rock Springs, WY 82901  
Phone: (307) 352-2509  
Fax: (307) 352-2560

<https://sites.google.com/a/wyo.gov/dfsweb/social-services/foster-care>



## Glossary of Terms Used by Child Welfare

### **Child Welfare Agency/Child Protective Services (CPS)/Department of Family Services (DFS) —**

The state or local government agency that receives reports, conducts investigations, and intervenes to help children and families in which child abuse or neglect has happened.

**Child Welfare Social Worker** — Each child receiving services from the child welfare agency is assigned a social worker, sometimes called a case manager. These social workers, in partnership with the family, assess the safety and needs of a child to determine if services and supports can be provided to keep a child safely at home or if a child needs to be removed from home due to high risks of danger. Social workers are responsible for ensuring that kinship placements (when a child lives with a relative) made formally through the child welfare agency are safe, and kin families receive necessary services. Social workers work towards permanency for a child with reunification being the best outcome. When reunification with the parent(s) is not possible, agency social workers and the courts determine the most appropriate plan for the child, such as permanency with a relative through legal guardianship, or with a family who officially adopts the child.

**Assessment** — Social workers use ongoing assessments to determine the needs of the child and family. The social worker usually does these assessments through regular meetings with the child, family members, or other caretakers during the time the child is removed from the home. The purpose of these meetings is to determine if the child is safe. Agency workers use the assessment information to inform foster care placement and permanency decisions by identifying, considering, and weighing factors that impact children, youth, and their families. Also, the social workers and the courts use assessment information to determine the services and support the family needs to ensure the child's safety, permanency, and well-being. This information is also used to evaluate whether family reunification is a possible goal, or whether relative placement, guardianship, or adoption is a better plan for the child.

**Case Plan** — The case plan is a document that outlines the outcomes and goals for a child in foster care. The case plan describes the services provided and the things a family or parent needs to do to reunify with their child. This plan is the roadmap and timeline for achieving safety, permanency, and well-being for a child. The plan can change over time depending on the progress the parent is making or other factors. The social worker must ensure that the case plan is updated periodically. Ordinarily, this should occur after each six-month administrative review and whenever a child changes foster care placements. Social workers must make an earnest attempt to develop the case plan jointly with the parent(s) or guardian(s) of the child in foster care.

**Custody** — Custody of a child typically refers to the legal right to make day-to-day decisions about the child, such as where they live. Parents ordinarily have custody of their child unless the court orders or the parent voluntarily assigns the custody of their child to an individual or agency. Incarcerated parents may or may not have legal custody of their child.

## Types of Child Welfare Placements:

**In-Home Services** — Agencies provide “in-home” services to strengthen families so that children can remain safely at home with their family members. This might include a child social worker providing helpful tips for the parents or giving parenting classes on how to safely care for a child. This type of in-home care could happen if one parent is incarcerated but the other parent is looking after the child.

**Out-of-Home Care** — Out-of-home care is provided when a child cannot remain safely with his or her parent or parents due to child abuse or neglect, or if the parent is unable to care for the child for other reasons, such as being incarcerated. Child welfare agencies place children in out-of-home care and work to determine the best permanency option for the child. Out-of-home care placement options vary by state, but in general include family-based foster care, kinship care, and residential group care. Each type of out-of-home care placement is explained below:

**Foster Care** — Children in foster care may live with relatives, foster parents who are not relatives, or with families who plan to adopt them. Foster care is intended to be short-term, with the focus on returning children home as soon as possible or if reunification is not possible, providing them with permanent families through adoption or guardianship.

**Kinship Care** — Children in kinship care live with relatives, members of their tribe or clan, godparents, stepparents, or an adult who has a close bond with the child. It could be a formal arrangement, with child welfare agency oversight or informal arrangements made by the family. If it is an informal arrangement between the parent and the relative to care for the child, child welfare has very little, if any, involvement.

**Residential Group Care** — Agencies place children in residential group care when they are unable to live with a family due to their special needs. These placements range from community-based settings with structured support to locked facilities with intensive treatment interventions.

## Permanency:

Permanency is a term used by child welfare agencies to describe a long term, legally permanent, home for the child or youth. A child in foster care is determined to have achieved permanency when any of the following happens: (1) the child leaves foster care to reunite with his or her family (either a parent or another relative); (2) the child leaves foster care and is legally adopted by another family; or (3) the child leaves foster care to the care of a legal guardian.



## **Types of Permanency Options:**

**Reunify/Family Reunification** — Reunification is the best goal for children in foster care when it can be done in a safe and timely manner. It is the process of reuniting children in out-of-home care with their families and giving custody of the children to their parent or guardian.

**Legal Guardian/Legal Guardianship** — Legal guardianship means a legally created relationship between a child and a caretaker (which could include a family member or other unrelated adult) that is intended to be permanent. If a caretaker is made a legal guardian, they obtain the following parental rights with respect to the child: protection, education, care and control of the child, custody of the child, and decision-making. Through guardianship arrangements, the child is no longer in foster care, and the caregiver makes important decisions for the child, and a long-term caregiver is established for the child. In subsidized guardianship, the child welfare agency provides the guardian with money each month to care for and support the child.

**Adoption** — Adoption is the social, emotional, and legal process in which a child who will not be raised by their parents becomes a full and permanent legal member of another family. A child can be adopted by extended family members or families unknown to them prior to the agency initiating the adoption process.

**Another Planned Permanent Living Arrangement (APPLA)** — In this permanency option, the child welfare agency maintains care and custody responsibilities for and supervision of the child, and places the child in a setting in which the child is expected to remain until adulthood. The agency worker identifies another planned living arrangement only when the worker determines that reunification, adoption, legal guardianship, and living with a relative are not possible.

**Court and Administrative Reviews** — Court and administrative reviews are periodic hearings and reviews (usually every 6 months) to determine the need for the child to remain in foster care. If it is determined that the child needs to remain in foster care, these hearings and reviews will decide on the best permanency plan. Under the Social Security Act, the status of each child in foster care must be reviewed at least once every 6 months either by court or by administrative review. The purpose of the hearing is to review progress on the goals and tasks outlined in the case plan and determine the extent to which progress is being made towards permanency.

**Case Closure** — Child welfare cases are closed when permanency is achieved. Case closure is the process of ending the relationship between the child welfare agency and the family (and the court, when it is involved). This often involves a mutual assessment of progress and includes a review of the beginning, middle, and end of the helping relationship. Optimally, cases are closed when families have achieved their goals and the risk of maltreatment has been reduced or eliminated or the child has achieved his or her permanency goal.

**Termination of Parental Rights (TPR)** — TPR is the voluntary or involuntary legal separation of the rights of a parent to the care, custody, and control of a child and to any benefits that, by law, would flow to the parent from the child, such as inheritance. If a parent's rights are terminated, the child can be placed in another permanent home, usually through adoption.

## Appendix A: Myth Buster on Parental Rights

**The purpose of this “myth buster” is to explain to child welfare social workers that they are expected to make an effort to reach out to parents, even if that parent is incarcerated.** Every parent, regardless of incarceration status, should be informed about decisions regarding their child’s welfare whenever possible and appropriate. Incarcerated parents can send a copy of this myth buster to their child’s social worker if he/she experiences difficulty in getting a response from the social worker.



# RE-ENTRY MYTHBUSTER ON CHILD WELFARE

## CHILDREN OF INCARCERATED PARENTS SERIES

*A Product of the Federal Interagency Reentry Council*

**MYTH:** Child welfare agencies do not need to plan for family reunification for children in foster care if they have an incarcerated parent.

**FACT:** Child welfare agencies should make efforts to engage parents of children in foster care, even if the parent is incarcerated, whenever possible and appropriate.

Child welfare agencies are required to engage parents, including absent, noncustodial, or incarcerated parents in case planning for their child in foster care whenever possible and appropriate. Incarceration alone should not be considered an obstacle that changes the **CHILD WELFARE AGENCY's** efforts to:

- Work with the child's parent(s) through caseworker visits or contacts with the parent;
- Identify relatives of parents who may be able to serve as a resource for the child;
- Encourage, where appropriate, parent visitation or contacts with the child;
- Work to preserve the parent-child relationship;
- Involve the parent in case planning for the child.

There are some instances where reunification between an incarcerated parent and his or her child in foster care is not possible, but in many situations the social worker can and should plan for reunification. Federal child welfare law requires child welfare agencies to initiate Termination of Parental Rights (TPR) if a child is in foster care for 15 out of the most recent 22 months; however, the law provides exceptions to this mandatory TPR rule, which are:

1. At the option of the State, if the child is being cared for by a relative;
2. The State agency has documented in the case plan a compelling reason for determining that filing such a petition would not be in the best interests of the child; and

3. The State has not provided to the family of the child services necessary for the safe return of the child to the child's home, if reasonable efforts to make it possible for the child to safely return to home are required.

These exceptions provide child welfare agencies with flexibility to work within the TPR requirements and work towards unifying the incarcerated parent with his or her child after release, if appropriate.

### **For More Information:**

#### **When a Parent Is Incarcerated Guide:**

<https://cbexpress.acf.hhs.gov/index.cfm?event=website.viewArticles&issueid=133&sectionid=5&articleid=3443>

#### **A Toolkit for Working With Children of Incarcerated Parents:**

<https://cbexpress.acf.hhs.gov/index.cfm?event=website.viewArticles&issueid=115&sectionid=17&articleid=2856>

#### **The Adoption and Safe Families Act: Barriers to Reunification between Children and Incarcerated Mothers:**

<https://cbexpress.acf.hhs.gov/index.cfm?event=websiteviewArticles&issueid=139&articleID=3641&keywords=parental%20rights>

#### **Child Welfare State Policies:**

[http://www.childwelfare.gov/systemwide/laws\\_policies/state/](http://www.childwelfare.gov/systemwide/laws_policies/state/)



## **What is a Reentry Myth Buster — Children of Incarcerated Parents Series?**

This Reentry Myth Buster is one in a series of fact sheets intended to clarify existing federal policies that affect formerly incarcerated individuals and their families. Unfortunately, the impacts of the criminal justice system are felt far beyond prison walls. Nearly 2 million children under the age of 18 currently have a parent in prison or jail, and many more have had an incarcerated parent at some point during their childhood. Children of incarcerated parents often face financial instability, changes in family structure, and social stigma from their community. This series is intended to provide assistance to these children, their caregivers, and the service providers who work with them.

